

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

RECEIVED
U.S. DISTRICT COURT - CHARLESTON, SC
2010 SEP 24 A 9:41

Robert F. Smalls,

Plaintiff,

v.

Capt. Timothy Clarke of LCI, Capt Whitten
of LCI, Ms. Unknown Rembert, Ms. Unknown
Ravenell, Jon Ozmint, Director of SCDC,
Fred Thompson, Ass. Warden of Lieber CI,
Unknown Officer of LCI, Gregory Knowlin,
Warden of Turbeville CI,

Defendants.

Case No. 3:10-cv-299-RMG-JRM

ORDER

This matter is before the court upon the magistrate judge's recommendation. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with 28 U.S.C. § 636(b)(1)(B). Because petitioner is *pro se*, this matter was referred to the magistrate judge.¹

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate's report.

Absent a timely objection from a dissatisfied party, a district court is not required to review, under a *de novo* or any other standard, a Magistrate Judge's factual or legal conclusions. *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Wells v. Shriner's Hosp.*, 109 F.3d 198, 201 (4th Cir. 1997). Here,

¹ Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02 (B)(2), D.S.C., the magistrate judge is authorized to review all pretrial matters and submit findings and recommendations to the Court.

because the Petitioner did not file any specific, written objections, the Court need not conduct a *de novo* review of any portion of the report and recommendation. Accordingly, the Court hereby adopts the Magistrate Judge's R&R (Dkt. No. 34) as the Order of this Court, and it is

ORDERED that the action is dismissed with prejudice in accordance with Rule 41(b), Fed. R. Civ. P.

AND IT IS SO ORDERED.



Richard Mark Gerge
United States District Judge

September 23, 2010
Charleston, South Carolina